

Senate Amendment 3185

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1 1 Amend Senate File 430 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 626D.1 TITLE.
1 5 This chapter shall be cited as the "Full Faith and
1 6 Credit for Tribal Court Civil Judgments Act".
1 7 Sec. 2. NEW SECTION. 626D.2 DEFINITIONS.
1 8 As used in this chapter:
1 9 1. "Tribal court" means any court of any Indian or
1 10 Alaska native tribe, band, nation, pueblo, village, or
1 11 community that the United States secretary of the
1 12 interior recognizes as an Indian tribe.
1 13 2. "Tribal judgment" means a written, civil
1 14 judgment, order, or decree of a tribal court of record
1 15 duly authenticated in accordance with the laws and
1 16 procedures of the tribe or tribal court of record and
1 17 in accordance with this chapter.
1 18 Sec. 3. NEW SECTION. 626D.3 FILING PROCEDURES.
1 19 1. A copy of any tribal judgment may be filed in
1 20 the office of the clerk of court in any county in this
1 21 state.
1 22 2. The person filing the tribal judgment shall
1 23 make and file with the clerk of court an affidavit
1 24 setting forth the name and last known address of the
1 25 party seeking enforcement and the responding party.
1 26 Upon the filing of the tribal judgment and
1 27 accompanying affidavit, the enforcing party shall
1 28 serve upon the responding party a notice of filing of
1 29 the tribal judgment together with a copy of the tribal
1 30 judgment in accordance with rule 1.442 of the Iowa
1 31 rules of civil procedure. The enforcing party shall
1 32 file proof of service or mailing with the clerk of
1 33 court. The notice of filing shall include the name
1 34 and address of the enforcing party and the enforcing
1 35 party's attorney, if any, and shall include the text
1 36 contained in sections 626D.4 and 626D.5.
1 37 Sec. 4. NEW SECTION. 626D.4 RESPONSES.
1 38 Any objection to the enforcement of a tribal
1 39 judgment shall be filed within thirty days of receipt
1 40 of the mailing of the notice of filing the tribal
1 41 judgment. If an objection is filed within such time
1 42 period, the court shall set a time period for a formal
1 43 response to the objection and may set the matter for
1 44 hearing.
1 45 Sec. 5. NEW SECTION. 626D.5 FULL FAITH AND
1 46 CREDIT FOR TRIBAL JUDGMENTS.
1 47 1. Unless objected to pursuant to section 626D.4,
1 48 a tribal judgment shall be granted full faith and
1 49 credit by the courts of this state to the same extent
1 50 and with the same effect as any judgment, order, or
2 1 decree of a court of this state.
2 2 2. If no objections are timely filed, the clerk
2 3 shall issue a certification that no objections were
2 4 timely filed and the tribal judgment shall be
2 5 enforceable in the same manner as if issued by a valid
2 6 court of this state.
2 7 3. A tribal judgment shall not be granted full
2 8 faith and credit if the objecting party demonstrates
2 9 by a preponderance of the evidence at least one of the
2 10 following:
2 11 a. The tribal court did not have personal or
2 12 subject matter jurisdiction.
2 13 b. The defendant was not given fair notice or a
2 14 fair hearing in the tribal court proceeding.
2 15 4. The court may grant full faith and credit or
2 16 decline to provide full faith and credit to a tribal
2 17 judgment on equitable grounds for any of the following
2 18 reasons:
2 19 a. The tribal judgment was obtained by extrinsic
2 20 fraud.
2 21 b. The tribal judgment conflicts with another
2 22 filed judgment that is entitled to recognition in this
2 23 state.
2 24 c. As an issue of law, the tribal court was not

2 25 the appropriate forum pursuant to the parties'
2 26 contractual choice of forum, provided the party
2 27 raising the legal issue must further demonstrate that
2 28 the issue was raised at each level of the tribal court
2 29 proceeding.
2 30 d. The tribal court does not grant full faith and
2 31 credit under standards similar to those provided in
2 32 this chapter to judgments of the courts of this state.
2 33 e. The cause of action or defense upon which the
2 34 tribal judgment is based is repugnant to the
2 35 fundamental public policy of the United States or this
2 36 state.
2 37 Sec. 6. NEW SECTION. 626D.6 STAY.
2 38 If the objecting party demonstrates to the court
2 39 that an appeal from the tribal judgment is pending or
2 40 will be taken or that a stay of execution has been
2 41 granted, the court may stay enforcement of the tribal
2 42 judgment until the appeal is concluded, the time for
2 43 appeal expires, or the stay of execution expires or is
2 44 vacated.
2 45 Sec. 7. NEW SECTION. 626D.7 CONTACTING COURTS.
2 46 The district court, after notice to the parties,
2 47 may attempt to resolve any issues raised regarding a
2 48 tribal judgment pursuant to section 626D.3 or 626D.5,
2 49 by contacting the tribal court judge who issued the
2 50 judgment.
3 1 Sec. 8. NEW SECTION. 626D.8 APPLICABILITY.
3 2 This chapter shall govern the procedures for
3 3 granting full faith and credit by the courts of this
3 4 state to a civil judgment, order, or decree issued by
3 5 a tribal court of any federally recognized Indian
3 6 tribe emanating from a cause of action that accrued on
3 7 or after the effective date of this Act, provided that
3 8 this chapter does not impair the right of a party to
3 9 seek enforcement under any other existing laws or
3 10 procedures.
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3 14 KEITH A. KREIMAN
3 15 SF 430.301 82
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